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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO. 7828
09/974,725	10/09/2001	Shiho Wang	SITECH.004A	
20995	7590 12/01/2004	EXAMINER		
KNOBBE M 2040 MAIN S	IARTENS OLSON (STREET	METZMAIER, DANIEL S		
	FOURTEENTH FLOOR			PAPER NUMBER
IRVINE, CA	92614	1712		

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary - The MALLING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION. A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION. In this set of the reply a specified sense the previous of 3 CFR 1.136(a). In ro event, however, may a seply be timely fixed in the period for reply specified sense the sense that the period of the period for reply specified allows on the national statutery period will seplicate the sense of the reply and the sense of the reply and the sense of the period for reply specified allows on the national statutery period will seplicate the behaldon price and the sense of the period for reply specified allows, the national statutery period will seplicate the behaldon price and the sense of the period for reply specified allows, the national statutery period will seplicate the behaldon price and the sense of the period for reply specified allows, the national statutery period will seplicate the behaldon price and the sense of the period for reply specified and the sense of the period for reply specified the period for reply specified and the sense of the period for reply specified and the sense of the period for reply specified and the sense of the period for the sense of the period for the sense of the period for the sense of the period for the period for the period for the period for the sense of the period for t			Application No.	Applicant(s)	
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DETAILED ACTION

Claims 1-35, 37-41 and 49 are pending.

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-35, 37-41 and 49 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 54-62 of copending Application No. 10/062,613. Although the conflicting claims are not identical, they are not patentably distinct from each other because the copending claims are generic to and overlap the particular temperature range and the various solution parameters.

This is a <u>provisional</u> obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Response to Arguments

3. Applicant's arguments filed Sept. 20, 2004 have been fully considered but they are not persuasive.

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4. Applicants expressed the intent to file a Terminal Disclaimer to obviate the above rejection. Said rejection will be withdrawn at the time of said filing.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S. Metzmaier whose telephone number is (571) 272-1089. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy P. Gulakowski can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Primary Examiner

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DSM